THE HONOURABLE SRI BILAL NAZKI

THE ACTING CHIEF JUSTICE

AND

THE HONOURABLE SRI JUSTICE

R.SUBHASH REDDY

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WRIT PETITION No. 19979 OF 2005

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Dated 7th November, 2005.

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Between:

T. Sri Venkateswara Vara Prasad

… Petitioner

and

District Collector, Krishna District,

at Chilakalapudi, Machilipatnam and others.

… Respondents.

ORAL ORDER:

(per Honourable Sri Bilal Nazki, the Acting Chief Justice)

This writ petition has been filed in public interest seeking a direction to the respondents to take action against persons who caused damage to the roads by using their tractors with puddling wheels while travelling on public roads.

Counter has been filed, in which, it is stated that it is not permissible for tractor owners to travel on main public roads with spiked and iron wheels and the Government had issued a memo on 19.4.2002 prohibiting the plying of tractors with spiked and iron wheels in terms of sub-rule (3) of Rule 94 of Central Motor Vehicles

Rules. It is further submitted in the counter that in view of the complaints received that the tractors are being used with spiked wheels, which are causing damage to the roads, it was resolved in a meeting on 13.8.2003 that a compounding fees of Rs.1000/- would be levied against the driver or owner of the tractor who plies the tractor with spiked iron wheels on public roads and the Department is taking action on the complaints received from the officials and it is also making surprise checks and fines are being imposed on the erring drivers and owners. It is stated that 120 cases were booked against the tractors in 2004-2005. It is stated that there is a problem of monitoring as the tractors are being used in remote rural areas and it is not always possible for the respondents to monitor their movement. It is further stated that campaigns have been undertaken to educate farmers not to damage the roads by using such vehicles and pamphlets have been issued.

During the course of the hearing, we were also informed that there is an Act titled "The Prevention of Damage to Public Property Act, 1984", which prohibits people from causing damage to the public property. In terms of Section 3 of the said Act, mischief causing damage to public property has been made an offence, which carries an imprisonment for a term, which may extend to five years.

Besides taking action under the Motor Vehicles Act, we direct the respondents to book the persons who create mischief causing damage to public property i.e. roads by using the tractors with spiked iron wheels while plying them on main roads, under the Prevention of Damage to Public Property Act, 1984, as well. With these observations, the writ petition is disposed of. No costs.

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(BILAL NAZKI, ACJ)

7.11.2005.

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(R.SUBHASH REDDY, J.)

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